IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 594 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07-10-2002 in WP No. 23040 of 2000 on the file of the High Court.)

Between:

Tirumala Tirupathi Devasthanams,

Rep., by its Executive Officer,

Tirupathi, Chitoor District.

..... APPELLANT/

2nd RESPONDENT

AND

1. Sri T.T.D. Pottu Workers Welfare Association,

Regd. No.128/2000 D.No.2-158,

North Mada Street, Vakula Byavan,

Tirumala, Chitoor District, rep., by its

Secretary Sri S.D. Srinivasan.

….. RESPONDENT/

PETITIONER

2. The Government of A.P. rep., by its

Chief Secretary, Secretariat Buildings,

Hyderabad.

.....RESPONDENT/

1st RESPONDENT

Counsel for the Appellant: MR.M.ADINARAYANA RAJU
Counsel for the Respondent No.2: GP FOR ENDOWMENTS

The Court made the following:

The Sri Justice B. Sudershan Reddy

a n d

The Hon'ble Sri Justice K.C. Bhanu

Hon'ble

WRIT APPEAL No. 594 OF 2003

O R D E R: (per Sri Justice K.C. Bhanu)

The writ appeal is directed against the judgment of a learned single Judge of this court in W.P. 23040 of 2000 dated 7.10.2002 where under the writ petition filed by the respondent No.1 herein was allowed holding that the inaction of the Devasthanam in not implementing the G.O.Ms.No.855 dated 8.10.1997 insofar as Potu Workers and Cleaners are concerned is unjust and arbitrary and accordingly directing the respondents therein to implement the said G.O. within a period of eight weeks from the date of receipt of a copy

of that order. Questioning the same, the Tirumala Tirupathi Devasthanam filed the present appeal.

The brief facts that are necessary for the disposal of the present writ appeal may be stated as follows.

The respondent No.1 herein is the T.T.D. Potu Workers Welfare Association. As per the directions of the Supreme Court in *A.S. Narayana Deekshutulu v. State of Andhra Pradesh* the Government constituted a committee to determine the payment of salary to various categories of employees and servants of the temple and the committee so constituted submitted a report on 4.10.1996 recommending the pay-scales and certain other benefits to the Potu workers. As per the G.O., the temple authorities have to pay regular pay-scales to the Potu workers, but in respect of Archakas the respondents have chosen to implement the said G.O. Though regular pay-scale was approved by the Supreme Court, the T.T.D. is not paying the regular pay-scales. Hence the petitioner-Association filed the writ petition.

The 2nd respondent-appellant herein filed a counter affidavit in the writ petition stating that the petitioner-Association was not recognised. One of the members of the petitioner-Association filed a writ petition in W.P. 25103 of 1998 which was disposed of on 24.12.1999 with an observation that in view of the statement made in the counter affidavit no further orders are necessary in the writ petition. Under Section 34 of the A.P. Endowments Act No. 30/1987, which came into force w.e.f. 2.5.1987, the hereditary rights of the Mirasidars, Archakas and other office holders and servants were abolished. Aggrieved by certain provisions of the Act No.30/1987 the hereditary Archakas and some others filed a writ petition before the Supreme Court in W.P. 638 of 1987 wherein the Supreme Court by its judgment dated 19.3.1996 held that Sections 34, 35, 37, 39 and 144 of the Act No.30/1987 are valid. It is admitted that in pursuance of the judgment of the apex court the committee constituted by the

Government of Andhra Pradesh recommended for pay-scales to the Potu Workers by sanctioning four posts of supervisory staff in order to absorb the members belonging to the families of erstwhile hereditary Gamekar Mirasidars at the rate of one post to each family. The report of the Committee constituted by the Government of A.P. has been accepted by the Supreme Court vide its order dated 9.5.1997. In pursuance of the orders of the apex Court, the Government of Andhra Pradesh issued G.O.Ms. No. 855 Revenue (Endowments-I) Department dated 8.10.1997 for creation of the abovementioned posts. There is no agreement ever existed between the Agent of the Ex-Gamekar Mirasidars and the T.T.Devasthanams. The workers engaged by the Agent of the Mirasidar did not hold any right of service in the temple and he was liable to be removed by the Agent of the Ex-Mirasidar at any time and there is no direct connection between the workers and the institution in any manner. The Potu Workers cannot claim any right of appointment as in the case of hereditary Mirasidars. G.O.Ms.No.855 dated 8.10.1997 has no application to the petitioner-Association and, therefore, the writ petition is liable to be dismissed with costs.

Having considered the rival contentions, the learned single Judge allowed the writ petition holding that the implementation of G.O.Ms.No.855 dated 8.10.1997 would and should be strictly in terms of the conditions mentioned in the said G.O. which includes the sanctioned strength along with the attached pay-scales and accordingly directed the respondents to complete the exercise of implementation of the G.O. within a period of eight weeks from the date of receipt of a copy of that order. Assailing the said order of the learned single Judge, the T.T.D. filed the writ appeal.

In pursuance of a direction given by the Supreme Court in *A.S. Narayana Dixithulu v. State of A.P.* (referred (1) supra), a committee of three members was constituted by the Government of A.P. to go into the rationalisation of pay-scales in different temples and to modify for payment of salaries to them. The said committee submitted a report dated 19.11.1996 recommending the

rationalisation of pay-scales and payment of honorarium to the Archakas, Potu workers and other religious staff and the Government vide its order in G.O.Ms.No. 855 Revenue (Endowments-I) dated 8.10.1997 decided to accept the recommendations of the committee subject to allowing full freedom to revise the cadre strength, emoluments, incentives etc. Insofar as the respondent No.1 in this appeal is concerned, the committee recommended three categories, namely, Supervisor, Potu worker (Senior) and Potu worker (Junior) in the timescale of Superintendent, Junior Assistant and Assistant respectively. The said recommendation was accepted by the Government subject to the provisions contained in para 4 of the said G.O. The relevant portion of para 4 of the said G.O. reads as follows

> "The Government have decided to accept the recommendation of the committee subject to allowing full freedom to revise the cadre strength, emoluments, incentives etc. to be offered to its religious staff depending on the exigency of work, administrative convenience etc".

The Government also accepted that the persons possessing eight years of service and more are to be given Potu Workers (Senior Scale) and persons with below eight years of service are to be given Potu workers (Junior scale). The Government further accepted that the incentives which are being given to Potu workers should be continued but beyond preparation of 25,000 Laddus so as to enable the Potu workers to prepare maximum number of Laddus to meet the demand. Therefore, the Government of A.P. directed the Executive Officer, T.T.D. to take further action as per the directions of the Supreme Court and to send necessary proposals for amending the relevant provisions of the Endowments Act and the Rules framed there under in the light of the Supreme Court judgment and also to enumerate the honours, customs and usages in vogue for taking a decision. In the Annexure to the G.O., the pay-scale and cadre

strength of the Archakas of Devasthanam including Potu workers have been given. But, the grievance of the petitioner-respondent No.1 is that the said G.O. has not been implemented.

Learned counsel for the appellant-Devasthanam Sri Prakash Reddy contended that there was no direct relationship of master and servant between the appellant and the members of respondent No.1 and u/Sec. 34 of the Act what was abolished is hereditary rights. The service and holding of the members of respondent No.1 should be relatable to the employer-T.T.D and that when the hereditary Mirasi System existed, every Gamekar Mirasidar used to appoint an agent on his behalf during his respective vanthu period who in turn used to engage workers for preparation of panyarams and Annaprasadams. Therefore, it is the Agent who in turn was appointing the members of the respondent-Association on daily wages. Therefore, they have no right as such to ask for implementation of the G.O.Ms.No.855. Hence, he prays to allow the appeal.

On the other hand, the contention of the learned senior counsel Sri B. Adinarayana Rao, appearing for the respondent No.1 is that the case of the respondent No.1-Association is based upon the G.O. issued by the Government of A.P. that the members of the respondent No.1-Association were appointed by Mirasidar Gamekars and their service is to prepare Prasadams and in pursuance of the G.O.Ms.No. 855 the necessary proposals for amending the Rules have to be sent by the appellant herein to the Government and the Government having accepted the recommendation of the Committee constituted in pursuance of the directions of the apex court has issued the G.O.Ms.No. 855 and it is the duty of the appellant to implement the said G.O. and there are no grounds to interfere with the order under appeal.

Under Section 34 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 all the hereditary rights in Mirasidars, Archakas and other office holders and servants

were abolished. The hereditary office holder under Section 35 of the Act existing as on the date of commencement of the Act is eligible to continue in service subject to possessing the requisite qualifications. The 2nd respondent in this appeal filed a counter affidavit stating "I humbly submit that the Government of A.P. is for implementation of the G.O. and the G.O. is an offshoot of approval of the report of the Committee constituted pursuant to the directions of the Hon'ble Supreme Court. I humbly submit that the Government of Andhra Pradesh would abide by any orders that would be passed by this Hon'ble Court in these proceedings".

The stand taken by the Government of A.P. is for implementation of the G.O.Ms.No. 855 dated 8.10.1987. That is what precisely the 1st respondent-writ petitioner is requesting. Therefore, under these circumstances it is unnecessary to adjudicate the contentions raised by the learned counsel for the appellant that no relationship of master and servant exists between the Potu workers and the Devasthanam. It is also unnecessary to decide in this writ appeal whether the Potu workers come u/Sec. 35 of the Act No.30/1987. As the recommendations of the committee constituted in pursuance of the directions of the Supreme Court have been accepted by the Government of Andhra Pradesh and the Government of A.P. is for implementation of the said G.O., the writ appeal has to be dismissed. The learned single Judge rightly allowed the writ petition and there are no grounds to interfere with the order under appeal.

The writ appeal fails and accordingly it is dismissed, in the circumstances, without costs.

B. Sudershan Reddy, J.

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K.C. Bhanu, J.

Date: --08—2004.

MVB.

DEPUTY REGISTRAR.

//True copy//

SECTION OFFICER.

To

1. The Executive Officer,Tirumala Tirupathi Devasthanams, Tirupathi, Chitoor District.

2. The Secretary, Sri S.D. Srinivasan, Sri T.T.D. Potu Workers Welfare Association, Regd. No.128/2000, D.No.2-158, North Mada Street, Vakula Byavan, Tirumala, Chitoor District.

3. The Chief Secretary, Government of A.P., Secretariat Buildings,

Hyderabad.

4. Two CCs to the Government Pleader for Endowments, High Court Buildings, Hydeabad (OUT).

5. 2 CD copies.